

EDWARD H. KUBO, JR. (2499)  
United States Attorney  
District of Hawai`i  
HARRY YEE (3790)  
THOMAS HELPER (5676)  
Assistant United States Attorney  
Room 6-100, PJKK Federal Building  
300 Ala Moana Boulevard  
Honolulu, Hawai`i 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-3752  
Email: [harry.yee@usdoj.gov](mailto:harry.yee@usdoj.gov)

RONALD J. TENPAS  
Acting Assistant Attorney General  
JAMES D. GETTE  
BARRY A. WEINER  
Trial Attorneys  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 663  
Washington, D.C. 20044-0663  
Telephone: (202) 305-1461  
Facsimile: (202) 305-0274  
Email: [james.gette@usdoj.gov](mailto:james.gette@usdoj.gov)

Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI`I

---

) CIVIL NO.04-00502 DAE BMK  
ILIO'ULAOKALANI COALITION, a )  
Hawaii, nonprofit corporation; )  
NA'IMI PONO, a Hawaii )  
unincorporated association; and ) NOTICE OF FILING OF  
KIPUKA, a Hawaii unincorporated ) OF THIRD PERIODIC REPORT  
association, ) DATED JULY 2, 2007;  
Plaintiffs, ) ATTACHMENTS "1" - "3";  
 ) CERTIFICATE OF SERVICE  
 )  
v. )  
 )  
ROBERT M. GATES, Secretary of )  
United States Department of )  
Defense; and FRANCIS J. HARVEY, )  
Secretary of the United States )  
Department of the Army, )  
 )  
Defendants. )  
 )

---

NOTICE OF FILING OF THIRD  
PERIODIC PROGRESS REPORT DATED JULY 2, 2007

In its Order Setting Interim Injunction dated December 29, 2006, the Court ordered the United States Army ("Army") to undertake additional mitigation measures related to training and construction projects associated with the transformation of the 2<sup>nd</sup> Brigade of the 25<sup>th</sup> Infantry into a Stryker Brigade Combat Team ("SBCT"). In its Order, the Court required the Army to periodically report on the status of specific mitigation measures and instructed the parties to confer on a proposed reporting schedule.

In accordance with the Court's Order and after consultation with Plaintiffs on an appropriate reporting schedule, the United States Army submitted its First Periodic Progress Report on March 30, 2007 and its Second Periodic Progress Report Relating to Range 11T on May 29, 2007.

In accordance with the Court's Order and agreement with Plaintiffs, the Army hereby submits the attached Third Periodic Progress Report. The parties have agreed that the Army will file

//

//

//

//

//

periodic progress reports quarterly hereafter.

Respectfully submitted this 2<sup>nd</sup> day of July, 2007.

EDWARD H. KUBO, JR. (2499)  
United States Attorney  
District of Hawai`I  
HARRY YEE (3790)  
THOMAS HELPER (5676)  
Assistant United States Attorneys

/s/ James D. Gette by Harry Yee  
By

---

JAMES D. GETTE  
BARRY A. WEINER  
Trial Attorneys  
United States Department of Justice  
Environment & Natural Resources Division  
Natural Resources Section  
P.O. Box 663  
Washington, D.C. 20044-0663  
Telephone: (202) 305-0469  
Facsimile: (202) 305-0267  
Email: barry.weiner@usdoj.gov

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

---

ILIO'ULAOKALANI COALITION, a ) CIVIL NO.04-00502 DAE BMK  
Hawaii, nonprofit corporation; )  
NA'IMI PONO, a Hawaii )  
unincorporated association; and ) CERTIFICATE OF SERVICE  
KIPUKA, a Hawaii unincorporated )  
association, )  
Plaintiffs, )  
v. )  
ROBERT M. GATES, Secretary of )  
United States Department of )  
Defense; and FRANCIS J. HARVEY, )  
Secretary of the United States )  
Department of the Army, )  
Defendants. )  
\_\_\_\_\_  
)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served electronically on the following at his last known address:

David Henkin [dhenkin@earthjustice.org](mailto:dhenkin@earthjustice.org)

Isaac H. Moriwake [imoriwake@earthjustice.org](mailto:imoriwake@earthjustice.org)

Attorneys for Plaintiffs

DATED: July 2<sup>nd</sup>, 2007, at Honolulu, Hawaii

/s/ Harry Yee

---

Harry Yee  
Assistant U.S. Attorney  
District of Hawai'i